

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VICTORIA BIBBS, Pro Se)	
)	
)	
Plaintiff)	
v.)	Case Number: 05-41E
)	
SUSAN D. STROHMEYER,)	
FREDERICK G. MUNCH, KATHY)	
ZBORGOWSKI AND JOHN)	
CAVANAGH,)	
)	
Defendants)	

MOTION TO DISMISS AMENDED COMPLAINT OR, IN THE ALTERNATIVE,
MOTION FOR A MORE SPECIFIC PLEADING

AND NOW, comes the defendants Kathy Zborgowski and John Cavanagh, by and through their counsel, Knox McLaughlin Gornall & Sennett, P.C., and file the following Motion to Dismiss Amended Complaint or, in the alternative, Motion for a More Specific Pleading:

1. On July 26, 2005, this Court adopted the report and recommendation of Magistrate Judge Baxter and granted defendants, Zborgowski's and Cavanagh's, Motion for a More Specific Pleading.
2. On August 26, 2005, plaintiff filed a 52 page pleading, not including exhibits, which the Court ordered defendants to treat as plaintiff's Amended Complaint.
3. This Amended Complaint provides no additional information regarding the claims that plaintiff appears to be lodging against Ms. Zborgowski and Mr. Cavanagh.

4. To the contrary, plaintiff's Amended Complaint is unintelligible and provides even less information than her original Complaint, which this Court ordered had to be more specifically pleaded.

5. For the reasons stated in these defendants' Brief in Support of their original Motion to Dismiss or, in the alternative, Motion for a More Specific Pleading, which Brief is incorporated herein by reference in support of the instant Motion, plaintiff's claims against Mr. Zborgowski and Mr. Cavanagh should be dismissed for failure to state a claim upon which relief can be granted.

6. In the alternative, plaintiff should be ordered to again more specifically plead her claims.

WHEREFORE, defendants Kathy Zborgowski and John Cavanagh respectfully request that this Court enter an Order dismissing plaintiff's Complaint for its failure to state a claim upon which relief may be granted.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY: /s/ Richard A. Lanzillo, Esq.

BY: /s/ Neal R. Devlin, Esq.

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Kathy Zborgowski and
John Cavanagh

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)	PENNSYLVANIA
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SUSAN D. STROHMEYER,)	Case Number: 05-41E
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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing defendants Zborgowski's and Cavanagh's, Motion to Dismiss Plaintiff's Amended Complaint or, in the alternative, Motion for a More Specific Pleading was mailed by first class mail, postage prepaid, or hand delivered this 28th day of September, 2005, to the following:

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David M. Donaldson, Esq.
Administrative Office of Pennsylvania Courts
1515 Market Street, Suite 1414
Philadelphia, PA 19102

Neal R. Devlin, Esquire